



TESTIMONY IN SUPPORT OF HB 96 / SB 93

Juvenile Court – Jurisdiction

TO: Members of the Senate Judicial Proceedings and House Judiciary Committees

FROM: **Heather Warnken, Center for Criminal Justice Reform, Univ of Baltimore School of Law**

DATE: February 28, 2023

My name is Heather Warnken, and I am the Executive Director of the Center for Criminal Justice Reform at the University of Baltimore School of Law. The Center is dedicated to supporting community driven efforts to improve public safety and address the harm and inequity caused by the criminal legal system.

In direct alignment with the Center’s mission, we are grateful for the opportunity to provide testimony in support of the YES Act.

From a public safety standpoint, the evidence is clear. Charging youth in adult court leads to significantly higher recidivism, more violent crime, and more victims. The Department of Justice found a decade ago that “research provides sound evidence that transferring juveniles to the criminal court does not engender community protection.”¹ On the contrary, it increases recidivism.

Youth charged in adult court are 34% more likely to be rearrested and with more serious offenses as compared to similarly situated youth who have their cases heard in juvenile court for the same charges.² A major reason for this is that youth charged in adult court are less likely to receive rehabilitative services, which makes them more likely to reoffend than similarly situated youth charged in juvenile court.

Research also demonstrates that youth charged as adults are at increased risk of physical and sexual assault and isolation from their families, which may contribute to future perpetration of harm.

Charging youth as adults ignores definitive research that adolescent brains are rapidly developing and have yet to reach full maturity. Evidence based services and treatment in juvenile facilities are far more effective in setting up youth for success upon release, a critical way to advance public safety and prevention of harm.

Charging youth in adult court is also expensive and inefficient. Currently, the large number of children charged in adult court leaves prosecutors with no discretion about where these cases begin. Although less than 13% of youth charged in adult court end up with an adult criminal conviction, the automatic filing

¹ <https://www.ojp.gov/pdffiles1/ojdp/220595.pdf>

² <https://advancemaryland.org/wp-content/uploads/2023/02/YES-Act-Fact-Sheet-MYJC.docx-2.pdf>



process lengthens timelines. Starting these cases in juvenile court will save significant resources over time.

HB 96 / SB 93 is not just a public safety imperative; it is also a racial justice imperative. An astounding 81% of youth charged in adult court in Maryland are Black³. Black youth are more likely to be sent to adult prison and receive longer sentences than their white counterparts for similar offenses⁴. → Implicit bias research shows that Black kids are more likely to be seen and treated as adults than white kids. Despite numerous recent reform efforts intended to improve the juvenile justice system, judicial waivers in 2017 were the most racially disparate in 40 years.

It is past time for Maryland to take action to remedy these challenges, in order to advance public safety and equity across the state. Driven by a sound body of research evidence, Maryland should join the 26 other states which have passed laws to treat kids like kids, reasonably limit the pathways into adult courts.

We urge a favorable report.

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<https://www.wypr.org/wypr-news/2023-02-17/maryland-tries-hundreds-of-juvenile-defendants-as-adults-on-e-annapolis-bill-tries-to-change-that>

⁴ [black-children-five-times-more-likely-than-whites-to-be-incarcerated](#)